

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

UNITED STATES OF AMERICA, ) CR 10-10-H-DWM  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
vs.                            ) ORDER  
                                  )  
                                  )  
ALEJANDRO ARTURO SCHOLZ, )  
                                  )  
                                  )  
Defendant.                    )  
                                  )  
\_\_\_\_\_

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 24, 2010. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

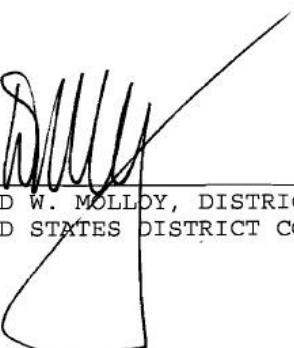
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Alejandro Arturo Scholz's guilty plea after Scholz appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to Counts I, II, III, and IV of the Indictment filed against him. Defendant also agreed to the forfeiture allegation pursuant to 18 U.S.C. § 2253(a).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 25), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Alejandro Arturo Scholz's motion to change plea (dkt # 20) is GRANTED.

DATED this 21<sup>st</sup> day of September, 2010.



DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT